



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT  
LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

June 1, 2010

To Whom It May Concern:

The Michigan Department of Natural Resources and Environment's (DNRE) Land and Water Management Division issued the attached **Minor Project Category for Bioengineering Practices for Stabilization of Inland Lake Shorelines**, effective today. This Minor Project (MP) category is to support the use of listed bioengineering practices to stabilize inland lake shorelines as needed to prevent erosion, and restore natural shorelines while protecting and enhancing fish and wildlife habitat and other natural features associated with inland lakes.

In issuing this MP Category, the DNRE considered comments received in response to a public notice issued March 1, 2010. We appreciate the interest expressed by those who took time to comment on this document. Should questions arise regarding these categories or the response to public comments, please contact Ms. Peg Bostwick, Land and Water Management Division, DNRE, at 517-335-3470 or [bostwickp@michigan.gov](mailto:bostwickp@michigan.gov).

Please share this document with others in your organization as appropriate. Thank you for your time and consideration of this matter.

Sincerely,

Elizabeth M. Browne, Chief  
Land and Water Management Division  
517-373-1170

Attachment



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## **MINOR PROJECT CATEGORY BIOENGINEERING PRACTICES FOR STABILIZATION OF INLAND LAKE SHORELINES**

June 1, 2010

Issued Under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended (NREPA), being Sections 324.30101 to 324.30113 of the Michigan Compiled Laws, Annotated

And

Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended (NREPA), being Sections 324.30301 to 324.30329 of the Michigan Compiled Laws, Annotated

### **PURPOSE**

The purpose of this Minor Project (MP) category is to support the use of listed bioengineering practices (also known as “soft” or “green” engineering) to stabilize inland lake shorelines as needed to prevent erosion, and restore natural shorelines while protecting and enhancing fish and wildlife habitat and other natural features associated with inland lakes. Bioengineering uses a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that, to the extent possible, mimics and or enhances the natural landscape.

The specific practices included in this MP are not recommended as the sole means of correcting existing erosion problems where wind and wave energy are excessive, or where eroded banks exceed three feet in height. However, these measures will typically be suitable for habitat enhancement, prevention of erosion problems, or to stabilize eroding banks at locations where:

- The longest unobstructed distance across the lake from the proposed project site is less than one mile.
- The proposed project site is not adjacent to a heavily used boating access point or marina.
- The proposed project site is not located on an unprotected point, headland, or island where erosive forces are high.
- At other locations dependent upon site specific conditions.

This MP category is not applicable to Great Lakes shoreline areas, streams, and rivers. It is also not applicable to inland lakes where shorelines are stable, and where natural wetland habitat would be degraded by installation of these structures.

## **REGULATORY AUTHORITY**

This MP category is established by the Department of Natural Resources and Environment (DNRE), Land and Water Management Division (LWMD) under the authority of Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection; of the NREPA. These authorities allow the establishment of MP categories by the LWMD for activities that are similar in nature, have minimal adverse environmental effects when performed separately, and will only have minimal cumulative adverse effects on the environment. The LWMD may impose additional site specific conditions as needed on a bioengineering project authorized under this MP category if the conditions are designed to remove an impairment to the lake, to mitigate the effects of the project, or to otherwise improve water quality. The LWMD may also establish a reasonable time when the proposed project is to be completed or terminated.

## **MINOR PROJECT CATEGORY PROCEDURES**

A person seeking authorization for a project under this MP category must submit a permit application on a form provided by the LWMD and include the required information. The LWMD will review applications under this MP category to determine whether the listed conditions and limitations are met. Applications processed under MP procedures are reviewed without issuance of a public notice. The DNRE may issue, deny, or impose conditions on project activities authorized under this MP category. The DNRE will provide a written authorization or other response to the applicant.

If at any time in the review process it is determined that an application for authorization of a project does not meet all the general and specific MP criteria, the project may be subjected to public review. If it is determined that a proposed project could, in combination with other projects, result in more than minimal adverse cumulative impacts, the application will be processed as an individual permit application and public noticed. The processing as an individual permit application may require the applicant to provide additional information and an additional fee.

## **ACTIVITIES THAT MAY BE AUTHORIZED UNDER THIS MINOR PROJECT CATEGORY**

A property owner may request authorization under this MP category to install and maintain the following bioengineering practices on an inland lake as necessary to prevent or control erosion, provided that the proposed activity meets the specified limitations and conditions.

- Placement of biological erosion control structures, including but not limited to fiber rolls, fiber mats, live stakes, brush mattresses, brush bundles, and plantings of native vegetation.
- Limited placement of natural stone or rock rip rap, covering no more than 25 percent of the length of the project and allowing for the free growth of plants, if necessary to stabilize biological materials. Stone used for this purpose shall range from four to eight inches in diameter.
- Temporary placement of fiber rolls or similar materials to serve as wave breaks or barriers placed not more than five feet from the existing shoreline, to facilitate establishment of biological control structures or plantings. Temporary wave breaks must be constructed of and anchored with materials that are 100 percent biodegradable.
- Maintenance of previously authorized bioengineering structures.

***Limitations and Conditions:***

- Authorization under this MP category shall be limited to 300 linear feet of shoreline per project.
- Bioengineered shore protection structures shall not be permitted under this MP category where the top of the bank is more than three feet above the ordinary high water mark of the lake.
- Vegetation, including plantings and other potentially viable material such as live stakes, brush bundles or other gathered woody material, shall be comprised only of plant species that are considered native to Michigan according to the Floristic Quality Assessment with Wetland Categories and Examples of Computer Applications for the State of Michigan, (Michigan Department of Natural Resources, Revised, 2<sup>nd</sup> Edition, October 2001).
- Engineered material, such as jute and coconut fabric, shall be comprised of inert plant fiber that may be non-native.
- Excavation and backfill shall be permitted under this MP category only to the extent necessary to stabilize slopes and to place bioengineering structures. Alteration of the natural contours of the lake shoreline or expansion of beach areas shall not be authorized. Excavation or fill below the water's edge shall be authorized only to support the re-establishment of native vegetation, to install temporary wave breaks, or to restore and stabilize a severely eroded bank.
- All natural and engineered stabilization materials shall be firmly staked and otherwise secured using biodegradable materials to prevent movement due to wind, waves, high water, or ice.
- All raw areas resulting from the authorized construction activity shall be promptly and effectively stabilized with native plant materials (seed and mulch), or other technology as specified in the project authorization, in a sufficient quantity and manner so as to prevent erosion and any potential siltation to surface waters or wetlands.
- This MP category shall not be used to authorize the destruction or alteration of areas of existing native wetland or aquatic vegetation.
- This MP category shall not be used to authorize activities that may have an adverse impact on state or federally listed or proposed threatened or endangered species or their habitat.
- This MP category is not applicable in a state or federally designated wilderness or environmental area, or in an identified historic or archeological area.

## **GENERAL LIMITATIONS AND CONDITIONS**

*The following general limitations and conditions apply to all permits and authorizations issued by the LWMD:*

- A. Initiation of any work on the permitted project confirms the permittee's acceptance of and agreement to comply with all terms and conditions of a permit under this MP category.
- B. The permittee, in exercising the authority granted by a permit under this MP category, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
- C. A copy of the permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached to the permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of the permit under this MP category that the permittee give notice to public utilities in accordance with Act 53 of the Public Acts of 1974, and comply with each of the requirements of that act.
- G. A permit issued under this MP category does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. A permit under this MP category does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his or her rights.
- I. The permittee shall notify the DNRE within one week after the completion of the activity authorized under this MP category.
- J. Permits issued under this MP category shall not be assigned or transferred without the written approval of the DNRE.
- K. Failure to comply with conditions of a permit issued under this MP category may subject the permittee to revocation of the authorization and criminal and/or civil action as cited by the specific state act, federal act and/or rule under which this MP category is established.

## **NEED FOR OTHER PERMITS**

Issuance of a permit pursuant to this MP category does not remove the need for other applicable local, state, or federal permits, including permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA). To locate the Soil Erosion Program Administrator for your county visit [www.deq.state.mi.us/sesca/](http://www.deq.state.mi.us/sesca/).

## **EXPIRATION DATE**

This Minor Project category expires on June 1, 2015 unless revoked or modified prior to that date.